IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No. 18601 of 2001

Between:
M/s.Sandhya Tours & Travels, rep.by
Sri S.Manohar

….. PETITIONER

AND
Director General of Police,
Andhra Pradesh, Hyderabad & 17 others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.18601 of 2001

ORDER:

The writ petition is filed by the petitioner, seeking Writ of Mandamus, directing the respondents herein and their subordinate checking officers not to seize or collect compounding fee as well as launching criminal cases for the alleged violation of provisions of Sec.192-A of Motor Vehicles Act, and under Sec.200 of Motor Vehicles Act, 1988 in respect of the petitioner's passengers vehicles covered by All India Tourist Vehicles Permits, declaring that the respondents and their subordinates have no authority.

It is stated by the petitioner that he is the proprietor of M/s.Sandhya Tours & Travels and registered owner of the Tourist Bus bearing R.No.KA-02/A-2552. The said vehicle is a tourist vehicle having a seating capacity of 37 in all and is being operated in Andhra Pradesh as well as in other States. According to the petitioner, his vehicle is covered by valid registration fitness certificate, valid upto 02.01.2002 and also having all other required certificates. The grievance of the petitioner is that the vehicle is being checked and the respondent authorities are stopping the vehicle either on the pretext of levying compounding fee or registering criminal cases for the alleged violation under Sec.192-A of the Motor Vehicles Act. Therefore the present writ petition is filed, seeking a direction not to compound any offence or register any cases for the alleged violation of Sec.192-A.

A counter is filed on behalf of the respondents, denying the allegations made in the writ petition, and also contending that the claim of the petitioner that the violation under Sec.192-A of the Act is not an

offence. According to the respondents, Sec.-192-A provides for imposition of a punishment of fine of Rs.5,000/- for the first offence, which shall not be less than Rs.2,000/-, and for any subsequent offences, with imprisonment, which may extend to one year, but shall not be less than three months or with fine which may extend to Rs.10,000/-, but shall not be less than Rs.5,000/-. Therefore, it is contended that the claim of the petitioner that the violation of the provisions of Sec.192-A of the Act is not an offence is clearly devoid of merit.

Since a reference to the above provision clearly shows that the contraventions referred to therein clearly attracts penal consequences, therefore, the petitioner is not entitled for the relief as was sought for.

Under the above circumstances, the Writ Petition is devoid of merit and is accordingly, dismissed, and the interim order, granted in the writ petition, is vacated. No order as to costs.

_____

S.ANANDA REDDY,J

Dated: 04.07.2007
Dsr